

NOV 17 2006

ORDINANCE NO. 2006- 043

4.C.16
~~DAN ORDINANCE~~ OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, REPLACING TRAFFIC PERFORMANCE STANDARDS TEST 2 TRAFFIC MODEL ANALYSIS WITH A FIVE-YEAR STANDARD, AMENDING REGULATIONS RELATING TO THE RADIUS OF DEVELOPMENT INFLUENCE, AND ESTABLISHING THE PROPORTIONATE FAIR-SHARE PROGRAM, AS FOLLOWS: AMENDING ARTICLE 1, CHAPTER I—DEFINITIONS; AMENDING ARTICLE 12—TRAFFIC PERFORMANCE STANDARDS, CHAPTER B—STANDARDS AND CHAPTER C—TRAFFIC IMPACT STUDIES; DELETING CHAPTER D—MODELING OF TRIPS; CREATING CHAPTER Q—PROPORTIONATE FAIR-SHARE PROGRAM; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE LAND DEVELOPMENT CODE; AND EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendments set forth in Exhibits A and B attached hereto and made a part hereof are hereby adopted.

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

Section 5. Savings Clause

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, the Zoning Commission, the Development Review Committee, Enforcement Boards, all other County decision-making and advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and procedures established prior to the effective date of this Ordinance shall remain in full force and effect.

Section 6. Inclusion in the Unified Land Development Code

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or relettered to effectuate the codification of this Ordinance.

Section 7. Effective Date

The provisions of this Ordinance contained in Exhibits A and B shall become effective upon filing with the Department of State. The Test 2 Five-Year analysis, shall apply to all applications for traffic concurrency deemed sufficient and complete on or after January 1, 2007, amendments to the Radius of Development Influence, and the Proportionate Fair-Share Program, as set forth in this Ordinance, shall apply to all applications for traffic concurrency deemed sufficient and complete on or after December 1, 2006.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 26th day of October, 2006.

SHARON R. BOCK,
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BtS
BOARD OF COUNTY COMMISSIONERS

By: 

Deputy Clerk

By: 

~~Tony Masiolotti, Chairman~~
Addie L. Greene, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 1 day of November, 2006.

ARTICLE 12 – PROPORTIONATE FAIR – SHARE PROGRAM
SUMMARY OF AMENDMENTS
(Updated 9/27/06)

Part 1. ULDC, Art. 12, Traffic Performance Standards (page 38 of 38), is hereby amended to add a new Chapter Q, Proportionate Fair-Share Program, as follows:

CHAPTER Q PROPORTIONATE FAIR-SHARE PROGRAM

Section 1 Purpose and Intent

The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S.

Section 2 Applicability

The Proportionate Fair-Share Program shall apply to all Projects that fail to meet the standards of this Article on a collector or arterial road that is not the responsibility of a municipality, or that fail to meet the standards of this Article on a transportation facility maintained by FDOT pursuant to the requirements of Section 3. The Proportionate Fair-Share Program does not apply to Developments of Regional Impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to projects exempted from this Article.

Section 3 General Requirements

- A. An applicant may choose to satisfy the transportation concurrency requirements of Palm Beach County by making a proportionate fair-share contribution, pursuant to the following requirements:
 - 1. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
 - 2. The road improvement necessary to maintain the adopted LOS is specifically identified for construction in the five-year schedule of capital improvements in the CIE of the Plan and identified for construction in the adopted Five-Year County Road Program.
- B. Any improvement project proposed to meet the developer's fair-share obligation must meet Palm Beach County's design standards for locally maintained roadways and those of the FDOT for the state highway system.

Section 4 Intergovernmental Coordination

Pursuant to policies in the Intergovernmental Coordination Element of the Plan, Palm Beach County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

Section 5 Application Process

- A. In the event of a lack of capacity to satisfy transportation concurrency, the applicant shall have the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 3. If the impacted facility is on the SIS, then the FDOT shall be notified and invited to participate in a pre-application meeting.
- B. Eligible applicants shall submit an application to the County Engineer on a form provided for by the County Engineer. The County may establish an application fee that does not exceed the cost to the County of reviewing the application.
- C. The County Engineer shall review the application and certify that the application is sufficient and complete within 15 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 3, then the applicant will be notified in writing of the reasons for such deficiencies within 15 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned.
- D. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- E. When an application is deemed sufficient, complete, and approved pursuant to ULDC Art. 12.B, Standard, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County Engineer or the applicant and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of an eligible application.

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EXHIBIT A

ARTICLE 12 – PROPORTIONATE FAIR – SHARE PROGRAM
SUMMARY OF AMENDMENTS
(Updated 9/27/06)

F. No proportionate fair-share agreement will be effective until approved by the County.

Section 6 Determining Proportionate Fair-Share Obligation

A. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

B. A Project eligible for participation under the Proportionate Fair-Share Program shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

C. The methodology used to calculate a Project's proportionate fair-share obligation shall be as provided for in §163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = $\sum [(Development\ Trips_i) / (SV\ Increase_i)] \times Cost_i$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per TPS;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i" per Section 3;

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

D. For the purposes of determining proportionate fair-share obligations, the County Engineer shall determine improvement costs based upon the actual and/or anticipated cost of the improvement in the year that construction will occur.

E. If the County has accepted an improvement proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer.

F. If the County has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Property Appraiser, or at the option of the applicant, by fair market value established by an independent appraisal approved by the County at no expense to the County. This appraisal shall assume no approved development plan for the site. All right-of-way dedicated must be part of a roadway segment that triggered the deficiency per TPS, and must not be site-related. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant based on a County approved appraisal is more than the county estimated total proportionate fair share obligation for the development, then the County will give the applicant road impact fee credit for the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

Section 7 Impact Fee Credit for Proportionate Fair-Share Mitigation

A. Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by Article 13, Impact Fees.

B. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due pursuant to Article 13, Impact Fees. Once the credit has been exhausted, payment of road impact fees shall be required for each permit issued. The impact fee credit shall be

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EXHIBIT A

ARTICLE 12 – PROPORTIONATE FAIR – SHARE PROGRAM SUMMARY OF AMENDMENTS (Updated 9/27/06)

established when the proportionate fair-share contribution is received by the County, or when the fair-share amount is secured by Performance Security.

- C. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed project. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed project cannot be transferred to any other project.

Section 8 Proportionate Fair-Share Agreements

- A. Upon execution of a proportionate fair-share agreement ("Agreement"), the applicant shall receive a certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.

- B. Payment of the proportionate fair-share contribution is due in full no later than issuance of the first building permit, and shall be non-refundable. If the payment is submitted more than six months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 6 and adjusted accordingly.

- C. In the event an Agreement requires the applicant to build one or more road improvements, all such improvements must be commenced prior to issuance of a development permit and assured by a binding agreement that is accompanied by a Performance Security sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of certificates of occupancy.

- D. Dedication of necessary R-O-W for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the first building permit but shall not include a building permit issued for a dry model.

- E. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

- F. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs paid to Palm Beach County will be non-refundable.

- G. Palm Beach County may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

Section 9 Appropriation of Fair-Share Revenues

- A. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used as the 50 percent local match for funding under the FDOT TRIP, or any other matching requirement for State and Federal grant programs as may be allowed by law.

- B. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or Impact Fee Benefit Zone that would mitigate the impacts of development pursuant to the requirements of Section 3.B.2.

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS (INCLUDING RELATED ART. 1.I.2, DEFINITIONS) SUMMARY OF AMENDMENTS (Updated 9/27/06)

Part 1. ULDC, Art. 12.B.1, General (page 9 of 38), is hereby amended as follows:

CHAPTER B STANDARDS

Section 1 General

There is hereby established a TPS for all Major Thoroughfares within PBC. The second test relates to the ~~modeling of traffic based upon Model Traffic~~ evaluation of traffic five years in the future based upon information compiled in the TPS Database. It requires that Total ~~Model~~ TPS Database Traffic not exceed the Adopted LOS on any Link or intersection.

Part 2. ULDC, Art. 12.B.2, Project Buildout/Model Standard (page 9 of 38), is hereby amended as follows:

CHAPTER B STANDARDS

Section 2 Project Buildout/Model Standard Five Year Standard

Part 3. ULDC, Art. 12.B.2B, Model Test – Test 2 (page 11 of 38), is hereby amended as follows:

CHAPTER B STANDARDS

Section 2 Project Buildout/Model Standard Five Year Standard

B. ~~Model Test~~/Five Year Analysis – Test 2

1. ~~Except as specifically provided in this Article, no Site Specific Development Order shall be issued which would add Daily Net Trips to any Link within the Project's Model Radius Development Influence if the Total Model Traffic on that Link would result in an Average Daily Traffic volume, as determined by the Model, that exceeds the Adopted LOS. For purposes of this analysis, the construction contemplated in the Model Plan shall be the basis.~~

No project shall be approved for a Site Specific Development Order unless it can be shown to satisfy the requirements of Test 2. This test requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. This analysis shall address the Total Traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of traffic analysis submittal. The existing road network and State and County Five-Year Road Program improvements with construction scheduled to commence before the end of the Five-Year Analysis Period shall be the Test 2 Road Network assumed in the analysis. If the number of lanes is different in each direction of a Link, both directions shall be evaluated against the applicable standard.

1. The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test Two. If the Total Traffic is higher than the applicable threshold, then the project fails Test Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Test Two.

- a. Optional Analysis i. On all links where the peak hour Total Traffic exceeds the Table 12.B.2.C-4 2A, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each link shall be compared to the thresholds in Table 12.B.2.C-4 2A Class II. If the Total Traffic is equal to or lower than the thresholds, the project shall pass Test Two. If the peak hour Total Traffic is higher than the threshold, then the project fails. If the project fails, Optional Analysis ii may be completed as outlined below, to demonstrate compliance with Test Two.

- b. Optional Analysis ii. On all links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-4 2A, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A, Class I, and the Major Intersections on each end of the failing Link shall be analyzed using the CMA analysis. If these intersections exceed the 1400 Critical Volume, these intersections must meet LOS E using the HCM Operational Analysis. The Project shall pass Test Two using this Optional Analysis if:

- 1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in Table 12.B.2.C-4 2A Class I; and

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS (INCLUDING RELATED ART. 1.1.2, DEFINITIONS) SUMMARY OF AMENDMENTS (Updated 9/27/06)

2) the intersections are below the 1500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5 2B for LOS E.

If the project fails Test Two using Optional Analysis ii but the intersections at the end of the failing link are below the 1500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5 2B, a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Test Two.

c. Optional Analysis iii. On all links where the Total Traffic peak hour two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of a link did not exceed the 1500 Critical Volume or the LOS E Intersection Threshold, the HCM Arterial Analysis Operational methodology shall be conducted. For these links, the project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C-6 2C. If the speed is lower than LOS E, then the project fails Test Two. If the speed is equal to or higher than the LOS E speed threshold, then the project shall pass Test Two.

~~2. For proposed Projects generating more than seven 7,000 Daily Net Trips, except as specifically provided in this Article, no Site Specific Development Orders shall be issued which would add Net Trips to any Link within the Project's Model Radius of Development Influence if the Total Model Traffic (by utilization of Model to assign Net Trips) on that Link would result in an Average Daily Traffic volume, as determined by the Model, that exceeds the Accepted LOS. For purposes of this analysis, the construction contemplated in the Model Plan shall be the basis.~~

23. The Applicant may make link or intersection improvements in accordance with Palm Beach County or Florida Department of Transportation Design Standards, as applicable, in order to satisfy Test Two. If Test Two could be technically satisfied by improving the deficient Link(s), the County Engineer may determine that such improvements will not satisfy Test Two where such improvements do not result in additional capacity sufficient to solve the deficiency on the Major Thoroughfare Network or do not provide continuity based upon generally accepted traffic engineering principles.

Part 4. ULDC, Art. 12.B.2.C.2 [Related to Level of Service Standard.] (page 11 of 38) is hereby amended as follows:

CHAPTER B STANDARDS

Section 2 Project Buildout/~~Model Standard~~ Five Year Standard

C. Level of Service Standard

2. The LOS E Standard Service Volumes for Average Daily Traffic, Peak Hour Traffic two-way and ~~directional, applied to Link Tests, Peak Season, Peak Direction (Test 2 for Links)~~ are set forth in Table 12.B.2.C-4, 2A . LOS E Link Service Volumes, The LOS E thresholds relative to intersections are set forth in Table 12.B.2.C-5 2B , LOS E Intersection Thresholds. The LOS E thresholds associated with the HCM arterial analysis in terms of speed are provided in Table 12.B.2.C-6 2.C , LOS E Speed Thresholds.

Part 5. ULDC, Art. 12.B.2.D, Radius of Development Influence/Project Significance (13 of 38) is hereby amended as follows:

CHAPTER B STANDARDS

Section 2 Project Buildout/~~Model Standard~~ Five Year Standard

D. ~~Maximum~~ Radius of Development Influence/Project Significance

Table 12.B.2.D-7, 3A and Table 12.B.2.D-8, 3B represent the ~~maximum~~ Radius of Development Influence- (Test One) and ~~Model Maximum~~ Radius of Development Influence (Test Two) for the specific volume of the proposed Project's Net Trips. ~~Where the distribution of the Project's Net Trips on the Major Thoroughfare system results in 95 percent or more of its traffic assigned beyond the Radius of Development Influence on one link, the radius will expand to include the Links of the first Major Intersection beyond the RDI.~~

1. For Test One, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour two way basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes.

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ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
(INCLUDING RELATED ART. 1.1.2, DEFINITIONS)
SUMMARY OF AMENDMENTS
(Updated 9/27/06)

2. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes.

2. For Test Two, a Project must address only those Links on which its Net Trips are greater than three percent of the LOS E of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2.A: LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4 2A: LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on an Peak Hour basis up to the limits set forth in Table 12.B.2.C-4, 2.A: LOS E Link Service Volumes.

Table 12.B.2.D-9-3B identifies the thresholds for the purposes of defining project significance for Test One. The LOS D thresholds shall mean those peak hour two-way volumes listed in Table 12.B.2.c-1 1A. Table 12.B.2.D-10-4B identifies the Significance thresholds for Test Two. The LOS E thresholds shall be those ADT Peak Hour volumes listed in Table 12.B.2.C-4.2A.

Part 6. ULDC, Table 12.B.2.D-7, 3A, Maximum Radius of Development Influence (page 13 of 38) is hereby amended as follows:

Table 12.B.2.D-7 3A: Test One – Maximum Radius ~~Of~~ of Development Influence

Net External Peak Hour	Two-Way Trip Generation		Radius
1	thru	20	Directly accessed link(s) of first accessed major thoroughfare(s)
21	thru	50	0.5 miles
51	thru	100	1 mile
101	thru	500	2 miles
501	thru	1,000	3 miles
1,001	thru	2,000	4 miles
2,001	thru	Up	5 miles

[Ord. 2005 – 002]

Part 7. ULDC, Table 12.B.2.D-8 3B, Test Two – Model Test Maximum Radius of Development Influence (page 14 of 38) is hereby amended as follows:

Table 12.B.2.D-8 3B: Test Two – Maximum Radius of Development Influence

Net Daily Trip Generation	Radius
1 – 50	Need not address any Link under Test 2
51 – 1,000	Only address Project-Accessed Link on first accessed major thoroughfare.
1,001 – 4,000	1 mile
4,001 – 8,000	2 miles
8,001 – 12,000	3 miles
12,001 – 20,000	4 miles
20,001 – up	5 miles

[Ord. 2005 – 002]

~~A Project must address only those Links on which its Net Trips are greater than three percent of the LOS E of the Link affected on an ADT basis up to the limits set forth in Table 12.B.2.C-5, 2.B: LOS E Intersection Threshold. Provided, in all cases, I-95 shall be addressed only if Net Trips on I-95 are greater than five percent of the LOS E of the Link affected on an ADT basis up to the limits set forth in Table 12.B.2.C-5, 2.B: LOS E Intersection Threshold.~~

Part 8. ULDC, Table 12.B.2.D-9 -3B – Test One Levels of Significance (page 14 of 38) is hereby amended as follows:

Table 12.B.2.D-9 -3B – Test One Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	one percent LOS D <u>within Radius</u> , five percent LOS D outside Radius	five percent LOS D

[Ord. 2005 – 002]

Part 9. ULDC, Art. 12.B.2.D-10-4B, Test Two Levels of Significance (page 14 of 38) is hereby amended as follows:

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
(INCLUDING RELATED ART. 1.1.2, DEFINITIONS)
SUMMARY OF AMENDMENTS
(Updated 9/27/06)

Table 12.B.2.D-10-4B – Test Two Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	three percent LOS E <u>within Radius</u> , five percent LOS E outside Radius	five percent LOS E

[Ord. 2005 – 002]

Part 10. ULDC, Art. 12.C.1.B.7, Net Trips (page 16 of 38) is hereby amended as follows:

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

B. Criteria

~~7. Net Trips~~

~~For proposed Projects generating more than seven thousand Net daily Trips, for Test Two the analysis shall include information sufficient for the County Engineer to utilize the Model to assign Net Trips to the Model Plan.~~

[Renumber accordingly.]

Part 11. ULDC, Art. 12.C.1.C, Traffic Volume Components (page 16 of 38) is hereby amended as follows:

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

C. Traffic Volume Components

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and at a five-year time horizon the Model Forecast Year as outlined for Test One and Test Two.

Part 12. ULDC, Art. 12.C.1.C.3, Traffic Assignment (page 18 of 38) is hereby amended as follows:

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

C. Traffic Volume Components

3. Traffic Assignment

Total Traffic shall be computed, and traffic assignments of the Net Trips made, for each Link and Major Intersection within the Projects Radius of Development Influence and ~~Model Test 2~~ Radius of Development Influence in conformity with accepted traffic engineering principles for both Test One, and Test Two. The assignments shall address phasing and cover the Buildout Period of the Project for Test One and a five year period for Test 2.

Part 13. ULDC, Art. 12.C.1.C.4, Background Traffic (page 18 of 38) is hereby amended as follows:

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

C. Traffic Volume Components

4. Background Traffic

a. General

Existing traffic volumes will likely change during the Buildout Period of the proposed Project and during the five-year Test 2 analysis period. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis periods. The Projection of Background Traffic shall be based upon the information set forth ~~on the Historical Traffic Growth Rate Table and the map of Major Projects in the TPS Database,~~ and shall be established in

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS (INCLUDING RELATED ART. 1.1.2, DEFINITIONS) SUMMARY OF AMENDMENTS (Updated 9/27/06)

accordance with the requirements set forth in this Article and accepted engineering principles. This change in traffic shall be shown as it relates to the proposed phasing. The Projection of Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis period shall be based upon the TPS Database, and subject to the review and approval of the County Engineer, using the following criteria:

- 1) Historical growth shown on tables of County Engineer;
- 2) Characteristics of growth in the Radius of Development Influence;
- 3) Extent of existing, approved, and anticipated development in the Radius of Development Influence;
- 4) Types and sizes of development in the area;
- 5) Traffic circulation in the area;
- 6) Major Projects' impact;
- 7) New and assured road construction.

b. Historical Growth Tables

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. This change shall be on an average peak hour basis and a Peak Season, Peak Hours-Peak direction basis if optional analyses are selected. The effect of ~~Major Projects~~ residential and non-residential projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer.

c. ~~Major Project Tables~~ TPS Database

Using the ~~Major Project Tables~~ TPS Database, all traffic from the unbuilt portion of Major Projects which have received a concurrency reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add more significant trips than ~~ten percent of the LOS D Table 12.B.2.C-1, 1A: LOS D Link Service Volumes~~, to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting Traffic for Test 1. No double counting of trips shall occur. ~~and the historically derived projections shall be adjusted based upon the impact of Major Projects. For Test 2, only the traffic generated from the unbuilt portions of the Major Projects as set forth above which are projected to be built during the Buildout Five-Year Analysis Period of the proposed Project shall be considered.~~ [Ord. 2005-002]

Part 14. ULDC, Art. 12.D, Modeling of Trips (pages 19 and 20 of 38) is hereby deleted in entirety.

[Renumber accordingly.]

Part 15. ULDC, Art. 1.1.2, Definitions, (pages 57, 58, of 96) is hereby amended as follows:

M. Terms defined herein or referenced Article shall have the following meanings:

~~33. Major Project for purposes of Art. 12, any Project, including those within municipalities, which is:~~

- ~~a. A Development of Regional Impact;~~
- ~~b. A project which generates more than seven 700 Net peak hour two-way Trips; or~~
- ~~c. Any project of any type or size which is contractually or by condition of approval bound to financing or constructing any portion of a Major Thoroughfare which is not site related.~~

~~34. Major Project Table for purposes of Art. 12, a table or tables (or map) prepared by the County Engineer indicating the location of all Major Projects in PBC.~~

~~36. Model for the purposes of Art. 12, the Florida Standard Urban Transportation Modeling Structure, using socioeconomic data to assign trips between traffic analysis zones on the Major Thoroughfare system on a daily basis.~~

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37. ~~Model Plan~~ for the purposes of Art. 12, the 2025 Transportation System for PBC Highway Component by the Palm Beach MPO, as amended by the County Engineer, to be published twice annually.
38. ~~Model Radius of Development Influence~~ for the purposes of Art. 12, the radius of development influence used in the model as set forth in Table 12.B.2.D-9, 3B: Test 2 – ~~Model Test~~ Maximum Radius Development Influence. The distance shall be measured in road miles from the point at which the Proposed Project's traffic enters the first Link, not as a geometric radius. **[Text relocated to new definition Test 2 Radius of Development Influence.]**
39. ~~Model Table~~ for the purposes of Art. 12, the table or map of the Major Thoroughfares maintained by the office of the MPO showing Model Traffic.
40. ~~Model Traffic~~ for the purposes of Art. 12, the anticipated traffic assigned by the Model on the future Major Thoroughfare system resulting from all approved (both built and unbuilt) Projects, expressed in terms of Average Daily Traffic, as adjusted in accordance with generally accepted traffic engineering principles to ~~more closely match~~ PBC conditions.
- [Renumber accordingly.]**

....

R. Terms defined herein or referenced Article shall have the following meanings:

-
56. Radius of Development of Influence - for the purposes of Art. 12, the area surrounding a proposed Project as set forth in Table 12.B.2.D-7, 3A: Test One - Maximum Radius of Development Influence or Table 12.B.2.D-8 3B: Test Two – Radius of Development Influence herein. The distance shall be measured in road miles from the point at which the proposed Project's traffic enters the first Link, or Links, not as a geometric radius. If a Project's Traffic is only significant in one direction from the point at which it enters the first Link, then the Radius of Development Influence shall only include that portion of the first Link. **[Ord. 2005-002]**

....

S. Terms defined herein or referenced Article shall have the following meanings:

-
57. Segment – for the purposes of Art. 12, a section of roadway containing thoroughfare and non-thoroughfare Links and intersections which comprise a unit of roadway, or sufficient length and characteristics to be defined by the County Engineer, for the HCM operational analysis allowed under Test One – Link Analysis Alternative Optional Analysis iii or Test 2 – Optional Analysis iii.

....

T. Terms defined herein or referenced Article shall have the following meanings:

-
19. Test 2 Radius of Development Influence – for the purposes of Art. 12, the radius of development influence used in Test 2 as set forth in Table 12.B.2.D-10-4B: Test 2 – Radius Development Influence. The distance shall be measured in road miles from the point at which the Proposed Project's traffic enters the first Link, not as a geometric radius. **[Text relocated from deleted definition Model Radius of Development Influence.]**
61. Test 2 Road Network – for purposes of Art. 12, the Thoroughfare Plan roadway network that will be in place or is anticipated to have construction commenced by the end of the 5-Year Analysis Period for Test 2. This includes any roadway projects for which construction funds are budgeted within the Palm Beach County 5-Year Road Program and FDOT 5-Year Transportation Improvement Program in effect at the time of the traffic analysis submittal.
- [Renumber accordingly.]**
-
42. TPS Database – for purposes of Art. 12, a database which was initially approved by the Board of County Commissioners on. On an ongoing basis, the Database compiles traffic from existing traffic counts as well as approved but unbuilt developments for each Link and Major Intersection on the County's Major Thoroughfare network in order to provide Background Traffic volumes for use in traffic studies addressing compliance with Test 1 and Test 2. The Database shall also identify the double counting adjustment and historic growth rate, derived from the Historic Traffic Growth Table, that is appropriate for each Link and Major Intersection. The Background Traffic data shall be maintained by the County and updated to reflect all new project concurrency approvals as well as the buildout status of previously-approved projects.
- [Renumber accordingly.]**
-
- 42 43. Traffic Impact Study – for the purposes of Art. 12, a traffic study of Links and intersections within the Test 1 Radius of Development Influence and ~~Model~~ Test 2 Radius of Development Influence of a proposed Project; and including the information, and prepared in accordance with the requirements, set forth in Art. 12.C.1.C.2, Traffic Generation. For the Transportation

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ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
(INCLUDING RELATED ART. 1.1.2, DEFINITIONS)
SUMMARY OF AMENDMENTS
(Updated 9/27/06)

Element of the Plan, it is the "LOS Impact Statement" referred to in the Capital Improvement
Element of the Plan.

....

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Computerer certify
this to be a true and correct copy of the original
filed in my office on October 26, 2006
dated at West Palm Beach, FL on 11/9/06
By: Sharon Brown
Deputy Clerk



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Performance Standards.doc

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